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**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

# Written statement* submitted by Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 February 2014]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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## Situation in Libya

Almost three years after the revolution of 2011 that led to the overthrow of Dictator Muhammad Al-Gaddafi, the situation in Libya remains tense. The interim government has not been able to work out a legal constitution; moreover, the human rights situation remains difficult. The government of Libya is weak and fails to impose measures to improve the security situation. Recently, there has been an increased level of violence throughout the country. Furthermore, almost daily reports of kidnappings and murders give reason for deep concerns about the stability in Libya. Besides the ongoing violence, there are countless reports on detainees who are held in government or militia-controlled prisons. These people have no chance of a fair trial as they do not have access to legal representation. Additionally, they are exposed to torture and mistreatment. This impunity weakens the already blemished reputation of the General National Congress, the country's interim government. The government has not shown itself to be able to peacefully settle the disputes and improve the judicial system, but has also failed to disarm the militia and incorporate them into the government forces. Hundreds of different militia groups fight to impose their own agendas, mostly with armed forces. The government has not been able to intervene or end this situation. Even worse, most of the militias are still getting their allowances from government funds. At the end of 2013, the Prime Minister of Libya, Ali Zeidan, made an announcement that the payment for militias would end by 31st December 2013. So far, there are no reliable statements that confirm the notice.

Besides the legal problems and the security issues, there is also the difficult situation of the internally displaced persons and migrants. During the 2011 uprising, migrants and non-Arabic Libyans were accused of collaborating with the Gaddafi troops, which put them in a difficult situation in post-2011 Libya. The case of the people of Tawergha is the most difficult one.

The people of Tawergha are accused of having joined forces with Gaddafi-troops against the city of Misratah. Furthermore they are blamed of having committed severe war crimes such as torture, murder and rapes. The inhabitants of Tawergha currently live in IDP camps around the country since the militia of Misratah banished them from their hometown. So far, the government of Libya has not been able to secure a return. No actions were undertaken to improve the unsolved situation of the Tawergha people. Relations between Tawergha and Misratah are still extremely tense. Besides the above-mentioned accusations, the conflict also has undertones of racism. Even before the revolution, the Tawerghans were labelled as "slaves" and "dogs" by many people from Misratah. There were reports of numerous attacks on the Tawergha people inside the IDP camps by the militia of Misratah. Besides the constant fear, the people of Tawergha also struggle with bad living conditions inside the camps and the unknown status of their missing relatives. Many Tawerghans are still detained in prisons controlled by Misratah militia. They are not able to obtain any legal representation or help. Most of them have not been charged yet and they do not know the reason why they are still imprisoned.

A return back to the city of Tawergha depends on the goodwill of the people of Misratah, who so far have shown no willingness to discuss the return of their neighbours and a peaceful reconciliation. They evade the responsibility and declared that the government has to come up with a long-term solution. The government likewise rejects that responsibility, which leaves the Tawergha in a hopeless situation.

The Tawergha as well as the Toubou and other ethnic minorities of Libya have long suffered from state-sponsored racism. The current government has not shown the ability or willingness to be more inclusive towards ethnic minorities. A peaceful return of the people of Tawergha could send a positive signal to the rest of the population and hence serve as an example of reconciliation and forgiveness to Libya as a whole.

In the south of the country tensions between African and Arab groups are mounting. Ethnic clashes have caused the death of a lot of people. The government has little to no power in the south, which is now predominantly controlled by Toubou tribes. In January 2014, the General National Congress declared a State of Emergency and sent military to stabilize the region. Although it seems to be relatively calm at the moment, the conflict has not been resolved yet and could burst into further violent clashes at any time. Libya's neighbouring country Niger fears that Islamic fighters are setting up bases in the south of Libya, which could not only increase the destabilization in Libya, but could also affect

the security situation in the neighbouring countries. Niger as well as France have called for an international intervention in that region to stabilize Libya and the borders. Smugglers generously profit from the complex situation and nearly unsecured borders and are therefore able to expand the weapons, drugs and goods trade, as well as human trafficking.

One of the possible reasons for the outbreak of the clashes can be found in the government's attempts to exclude the Libyan minorities from the constitution-drafting process. The Amazigh, Tuareg and Toubou minorities are only granted 6 out of 60 seats. A fair participation of all minority groups is not given under these circumstances.

Society for Threatened Peoples urges the Human Rights Council to ask the Government of Libya to:

- Secure a safe return of the Tawergha people and encourage the Misratah and the Tawergha people to peacefully reconcile, which could serve as an example for the rest of Libya

- Disarm the militia groups as impunity hinders the reconstruction and development of the new Libya

- Strengthen the rights of the ethnic minority groups, especially anchoring them in the new constitution and in political institutions

- Work for peaceful negotiations between all ethnic minorities